The Requirement of Tahara for Reciting / Touching The Quran:

This article is an appendix in the author's book, How to Approach and Understand the Quran (Denver, CO: Dar Makkah, forthcoming).

Introduction:

The Quran must play a central role in the life of every Muslim. Muslims should turn to the Quran and read it on a daily basis, if possible. Since many Muslims desire to read the Quran as often as they can, it becomes of vital importance to know what conditions might exist for the reciting or touching of the Quran. That is, are there some times or occasions in which a Muslim is not allowed to recite or touch the Quran due to being in a state of "impurity"?

This question is obviously of extreme importance for Muslim sisters. They are the ones who will be most affected by the answer to this question since they have long periods of "impurity" (menstruation and post partum bleeding). If it can be shown that they are not allowed to touch the Quran during such states, they must not do so as an act of obedience to Allah. However, if such is not found to be true, then they may be prevented from the important act of reading the Quran because of a misunderstanding or wrong fiqh conclusion.

Unfortunately, although this is a very important question, many different opinions abound on this question. Each opinion, obviously, has some evidence for it. Therefore, in order to make an intelligent conclusion concerning this question, all of the different evidences must be dealt with and weighed. Only after that process may one make a conclusion on this matter. An attempt shall be made here to cover all of the major different opinions on this question as well as discuss which seems to be the weightiest.

Actually, two questions need to be answered and each shall be dealt with separately. These two questions are the following:

> (1) What are the requirements of tahara (being in a state of ritual purity), if any, for reciting the Quran? (This is in reference to simply reciting the Quran, for example, from memory, without actually touching a physical copy of the Quran.) Must one be free of both major and minor impurities or is freedom from major impurities alone sufficient?
>
> (2) What are the requirements of tahara, if any, for touching the Quran?

Again, must one be free of both major and minor impurities or is freedom from major impurities sufficient? [1] (check the footnotes)

Note that this article is only concerned with the "requirement" of being in a state of purity. It is not concerned with the recommendation or behavior of reading the Quran [2]. Scholars such as Imam Malik used to always like to be in a state of purity even while teaching the hadith of the Prophet (peace be upon him). In fact, that is mentioned as one of the recommended acts for teaching hadith. This is not because such is a requirement for teaching hadith. This was, however, to show respect to the subject being taught. Similarly, as was discussed in the earlier referred to article, being in a state of purity while reading the Quran will affect one's frame of mind and outlook. It will, Allah willing, help the person benefit more from the Quran. Again, that is a separate question from what is being discussed here.

What is Meant by"Major" and"Minor" Impurities:

Tahara ("ritual purity") may be defined as being free of all impurities, major or minor.

A minor impurity is one that may be removed by the performance of ablution (wudhu). For example, after defecation or urination, one is considered to be in a state of minor impurity and he must make ablution before he is considered "pure" to perform the salat (prayer).

A major impurity requires the performance of ghusl or a complete washing. After sexual intercourse, for example, one must make ghusl before one is considered "pure" for salat. Menstruation and postpartum bleeding are considered forms of major impurities. In those cases, after such conditions come to an end, women are required to make ghusl before salat [3].

Recitation of the Quran in the Presence of "Minor Impurities":

The first question concerns reading the Quran without touching it while in the state of "minor ritual impurity". On this point, however, there are two approaches to the question. One is the issue of its permissibility and the second is the issue of its recommendation.

According to al-Nawawi, there is a consensus (ijma) that it is permissible to recite the Quran while in a state of "minor ritual impurity". AlNawawi stated:

"Muslims agree that it is permissible for the one with minor impurities to recite the Quran although it is better for him to purify himself for that act. This was stated by Imam al Haramain [al-Juwaini] and by al-Ghazali in al-Basit. We do not say that it is disliked (makruh) for the one with minor impurity to recite the Quran. It is confirmed that the Prophet (peace be upon him) would recite it while in a state of minor impurity." [4]

This opinion is based on the following reports:

"Aisha narrated that the Prophet (peace be upon him) would make remembrance of Allah (dhikr) at all times." (Recorded by Muslim.)

Aisha has used a general word of dhikr or remembrance of Allah. This encompasses all types of remembrance of Allah, including reciting the Quran. One cannot argue that what Aisha meant is remembrance of Allah except for the Quran unless one presents sound evidence to that effect. In the

absence of said evidence, Aisha's statement is understood in its general sense to include the recitation of the Quran. Another hadith used as evidence is the following:

Ali stated, "The Messenger of Allah (peace be upon him) would answer the call of nature then come out and recite the Quran and eat meat with us. Nothing would keep him from reciting the Quran except being in the state of janaba (sexual defilement)." (Recorded by Abu Dawud, al-Nasai, al-Tirmidhi, ibn Majah and Ahmad.)

Al-Tirmidhi recorded this narration with the wording, "We would recite the Quran under any circumstances as long as one was not sexually defiled." This narration is clearer in stating that the Quran was recited by the Prophet (peace be upon him) as long as he was not sexually defiled. Hence, being in a state of "minor impurity" did not prevent him from reading the Quran.

After recording the above narration, al-Tirmidhi called the report, "Hasan sahih." A number of other scholars also called this narration authentic. Among those scholars are ibn Hibban, ibn al-Sakin, Abdul Haqq, al-Baghawi and ibn Khuzaimia[5] Ibn Hajr called it hasan[6].

However, that conclusion seems to be incorrect. This hadith was narrated from Abdullah ibn Salima who became senile in his old age and did not transmit hadith properly afterwards. This particular hadith is from his later narrations. This is why other specialists in hadith rejected this hadith, including Al-Shafi, Ahmad, al-Baihaqi, al-Nawawi, alMundhiri, al-Shaukani, al-Albani[7a]. These scholars, as is well-known, are much more exacting in their grading of hadith than the scholars mentioned earlier who accepted this hadith. [7b]

Furthermore, the reason for rejecting the narrator Abdullah ibn Salima has been clearly stated. It is a principle of hadith that when a disparaging conclusion (jarh) that is explained has been made about a person, it takes precedence over the statements accepting said narrator, since the scholars who rejected the narrator must have possessed some knowledge that the other scholars who accepted the narrator did not possess.

Therefore, this hadith must be considered weak and cannot be used as a proof on this particular question.

A third hadith that may be used as evidence on this point is the following:

Ibn Abbas narrated that he spent the night in his aunt Maimuna's house, the wife of the Prophet. He stated that the Prophet (peace be upon him) slept until midnight or a little before or after that. The Messenger of Allah (peace be upon him) awoke and wiped the sleep from his face with his hand. Then he recited the last ten verses of Surah ali-Imran. Then he went to a hanging waterskin and made an excellent ablution from it. Then he stood and prayed. (Recorded by al-Bukhari.)

The apparent meaning of this hadith demonstrates that it is permissible to recite the Quran while not in a state of purity. The Prophet (peace be upon him) did such before making ablution for the prayer. However, ibn al-Munir does not accept this argument. He says that this argument rests upon the Prophet's sleep as invalidating his ablution. However, the Prophet (peace be upon him) stated, "My eyes sleep but my heart does not." Hence, his sleep does not invalidate his ablution. Therefore, he may have been simply refreshing his ablution or he may have invalidated his ablution after reciting those verses. Ibn Hajr states that ibn al-Munir's argument is acceptable when it is in reference to the Prophet (peace be upon him) rising from his sleep. However, the Prophet (peace be upon him) then making

ablution is apparent evidence that he was in a state of "minor impurity" when he read those verses. Therefore, even if one argues that his sleep does not invalidate his ablution, that does not necessarily imply that he had not invalidated his ablution in another way (passing gas) while sleeping.[8]

Of the above narrations, only the narrations from Aisha and from ibn Abbas can be considered acceptable as proofs. Both of them demonstrate that it is permissible for the one who has a minor impurity to recite the Quran from his memory without actually touching the Quran. In fact, the asl or original stance is that of permission and the burden of proof is upon anyone who would claim that it is not permissible. However, the majority or the consensus of the scholars, as al-Nawawi stated, are of the opinion that reciting while in a state of "minor impurity" is permissible.

All of the above, however, simply concerns the permissibility of the act. It states nothing about what must be considered preferable. The following hadith shed more light on this question:

Al-Muhajir ibn Qanfidh narrated that he greeted the Prophet (peace be upon him) while the Prophet (peace be upon him) was making ablution. The Prophet (peace be upon him) did not respond to him until he had finished performing ablution. Then he said,

"Nothing kept me from responding to you except that I disliked to mention the name of Allah while I was not in a state of purity." (Recorded by Ahmad and Abu Dawud.)

Similarly, al-Bukhari and Muslim record the following: Abu al-Jahm ibn al-Harith stated that while the Messenger of Allah (peace be upon him) was coming from the direction of Bi'r Jamal, a man met him and greeted him. The Messenger of Allah (peace be upon him) made no response until he came to the wall, wiped his face and hands and then returned his salutation.

Bringing together these different evidences quoted above, Al-Mutairi makes the following conclusion, which is also the opinion of the vast majority of the scholars:

"This report [above from Abu al-Jahm ibn al-Harith] and the preceding one [from al-Muhajir] point to the disapproval of making mention of Allah while one is in a state of minor ritual impurity. This is a light form of disapproval and not a major form [that is close to prohibition]. If that is true for making mention of Allah [in general] then it is more so true in the case of reciting the Quran which is a greater form of dhikr [remembrance of Allah]. However, what we stated earlier [the earlier hadith of Aisha, ibn Abbas and Ali] points to the legality of reciting the Quran while one is an a state of minor impunty. If someone states: 'What you have stated here contradicts what you stated earlier because what you stated earlier implies prohibition and what you stated now implies pennission.'

The response is: The correct position is to combine the proofs and understand the evidences presented proving legality as showing that it is permissible [to recite the Quran while in a state of minor ritual impurity] and the contradicting evidence as showing that it is recommended [to be in a state of ritual purity]. In that way, all of the evidences are combined and used. This is preferred whenever possible and it is possible here."[9]

Therefore, the conclusion here is: it is preferred that the person be in a state of ritual purity for reciting the Quran without actually touching it. However, this is not a must. It is permissible for the one in a state of minor ritual impurity to recite the Quran without actually touching the Quran.

Recitation of the Quran (without touching the Quran) by one in a "Major State of

Impurity":

On the previous question, the stronger and correct opinion, Allah willing, seemed to be quite clear. For that reason, there is very little difference of opinion on that point. However, the issue of reciting the Quran while in a state of "major impurity" is a much more debatable question. Indeed, in order to analyze this question properly, two types of major impurities must be discussed separately: the case of sexual defilement (Janaba) and the case of menstruation and postpartum bleeding.

Recitation of the Quran by One who is Sexually Defiled:

The situation of a sexually defiled person is unique. He is considered in a state of "major impurity". However, he has the ability to "purify himself" at any time that he (or she) so desires. Simply by making ghusl or tayamum (depending on the situation), the person is no longer considered sexually defiled. Furthermore, he must do that before the ending of the time of the coming prayer. Therefore, he neither remains in that state for very long nor is he prevented from leaving that state at any time he desires.

Given all of the above, is it permissible for such a person in such a state of impurity to recite the Quran without touching it? The scholars are divided in their response to this question. Some scholars say that it is not permissible while others say it is permissible.

Analysis of the First Opinion: It is Permissible for the Sexually Defiled to Recite the Quran:

Ibn Abbas, Salman al-Farsi, Saeed ibn al-Musayyab, al-Bukhari, al-Tabari, ibn al-Mundhir, al-Albani and the Dhahiri school of fiqh were all of the opinion that it is permissible for the sexually defiled person to recite the Quran. They do not distinguish between reciting simply one or two verses or a large portion of the Quran. A number of proofs are offered in order to substantiate this view. Each shall be discussed separately below.

The First Proof:

The hadith from Aisha:

"The Prophet (peace be upon him) would make remembrance of Allah at all times." (Recorded by Muslim.)

The Quran is a form of remembrance of Allah. When Aisha made such a statement, she was implying that the Prophet (peace be upon him) would also make that form of remembrance of Allah under any occasion, even while sexually defiled.

However, this evidence may be responded to by saying that it is general (a'am) and can be particularized by other evidences. That is true, as long as the particularizing evidence is authentic. If no such evidence can be presented, then the hadith stands and applies to all of the forms that Aisha's general statement may apply to, including reciting the Quran.

The Second Proof:

The proponents of this view also cite the letter, recorded by al-Bukhari, that the Prophet (peace be upon him) wrote to the Emperor of Rome. In this letter, the Prophet (peace be upon him) included

some verses of the Quran. The argument here is that the Prophet (peace be upon him) sent that letter to a disbeliever who is impure, even more than being sexually defiled. This letter was obviously sent to the Emperor for him to read it. It was, therefore, permissible for the Emperor to touch that letter and to read those verses of the Quran.

Ibn Hajr responds to this argument. He states that the letter contains more than those verses from the Quran. It is similar to books of fiqh or tafir that happen to contain some verses of the Quran. According to the majority of the scholars, it is permissible for a sexually defiled person to read such books because his intention is not the "reading" of the Quran.[10]

The Third Proof:

This was the view of some of the Companions of the

Prophet (peace be upon him). Ibn Abbas was reciting the Quran while he was sexually defiled. When that was pointed out to him, he stated, "What I have inside of me [memorized from the Quran] is more than what I have recited." He also stated, "There is no harm if the sexually defiled person recites a verse or such."

However, this was the opinion of one of the Companions. The Statements of the Companions does not have great weight when it is contradicted by statements of other Companions, which is the case here, as shall be shown shortly.

The Fourth Proof:

The fourth proof invokes a legal maxim. This is the principle of "original freedom" of responsibility or prohibition. That is, the burden of proof is upon those who say that it is not allowed for the sexually defiled person to read the Quran. If they cannot offer such proof, this principle can be invoked and the conclusion will have to be that it is permissible for the sexually defiled person to read the Quran. Obviously, this argument can only be put forth if all of the arguments of prohibition are rejected or refuted. These arguments are presented below.

Analysis of the Second Opinion: It is Not Permissible for the Sexually Defiled to Recite the Quran:

In general, the Hanafis, Malikis, Shafis and Hanbalis say that it is not allowed for the sexually defiled petson to recite the Quran. This opinion has also been narrated from Umar ibn al-Khattab, Ali ibn Abu Talib, al-Hasan al-Basri, Ibrahim alNakhai, al-Zuhri and Qatada.[11] The proofs for this position are the following:

The First Proof:

The first proof these scholars usually offer is the hadith from Ali that was discussed earlier:

Ali stated, "The Messenger of Allah (peace be upon him) would answer the call of nature then come out and recite the Quran and eat meat with us. Nothing would keep him from reciting the Quran except being in the state of janaba (sexual defilement)." (Recorded by Abu Dawud, al-Nasai, al-Tirmidhi, ibn Majah and Ahmad.)

As was already stated and discussed in detail, this is a weak hadith that may not be used as evidence in

law.

Even if it were accepted that this hadith is authentic, it does not necessarily imply that it is forbidden for the sexually defiled person to recite the Quran. Ibn Khuzaima, one of the scholars who accepts this hadith, wrote:

"There is no proof in this hadith for those who say that the sexually defiled person may not recite the Quran. There is no prohibition in this report; it is simply a narration of his [the Prophet's] actions. Nor does it state that the Prophet (peace be upon him) prevented that act due to sexual defilement.[12]

Al-Mutairi has replied to this objection. He states that Muslims are obliged to follow the Prophet (peace be upon him) in what he did as well as what he avoided (tark). He cites three examples of this nature: not performing the call to prayer before the Eid Prayers, not reciting aloud in the Noon and Afternoon Prayers and not washing the bodies of the martyrs[13]. However, although the principle al-Mutairi invokes is sound, there is a difference in this particular case from the cases that he mentioned. In two of the examples al-Mutairi mentions, the normal case or the common case was for the Prophet (peace be upon him) to do the opposite of what he did, for example, to give the call to prayer. Hence, when the Prophet (peace be upon him) explicitly and clearly did not perform an act of that nature, it is a must that he be followed in that manner. As for the prayer, the Prophet (peace be upon him) has stated, "Pray in the manner that you have seen me praying." (Recorded by al-Bukhari.)

Hence, the difference in reciting is not simply the application of the principle al-Mutairi cited. Therefore, even if this hadith is considered authentic, it does not necessarily point to the act being prohibited. Simply based on this hadith, one could say that the act is either disapproved or forbidden, although one cannot state with certainty which of the two it is.

The Second Proof:

Al-Mutairi and al-Arnaut cite the narration below as supporting evidence for the hadith of Ali just discussed. According to them, this narration strengthens the previous hadith and raises it at least to the level of hasan. Furthermore, al-Mutairi states that it makes it clear that what is meant in the previous hadith is that it is not permissible to recite the Quran while sexually defiled.

Ali was brought water and he rinsed his mouth and his nose three times. Then he washed his face three times. Then he washed his hands and forearms three times. Then he wiped his head. Then he washed his feet. Then he said, "This is how I saw the Messenger of Allah (peace be upon him) making ablution. Then he read some verses of the Quran. Then he said, "That is for the one who is not sexually defiled. As for the one who is sexually defiled, he may not do so, not even one verse." (Recorded by Ahmad.)

Al-Mutairi states that ibn Hajr, when he called the previous hadith hasan, must have relied upon this narration as supporting evidence for that hadith as otherwise the principles of the sciences of hadith would lead one to reject the previous hadith (discussed under "The First Proofi').[15]

This hadith in Musnad Ahmad is narrated by narrators who may be called sadooq or "honest". This implies that their hadith are hasan. However, one exception to that is the narrator who narrated this incident from Ali. This was Abu al-Ghuraif. This narrator is only considered trustworthy by ibn Hibban, whose ranking of narrators as trustworthy itself cannot be trusted. Abu Hatim's statement about him shows that he considered him a weak narrator.[16]

Furthermore, this hadith can only be used as supporting evidence for the hadith of Ali if it is determined that this narration itself is not a mistake. One of the narrators of this hadith is Aidh ibn Habeeb. Although he is trustworthy, ibn Adi points out that he had a number of narrations that were rejected or shown to be wrong. This is probably the case here.

This conclusion is reached because other, stronger narrators narrate this incident as a statement of Ali and not as a statement of the Prophet (peace be upon him). This is how it was recorded by al-Daraqutni, ibn Abu Shaibah and al-Baihaqi.[17]

Therefore, it is not acceptable to use this hadith from Musnad Ahmad as supporting evidence for the previous hadith from Ali. It cannot be used as supporting evidence because it must be concluded that it is a mistaken narration. The correct narration is not in the form of a statement of the Prophet (peace be upon him) that would have been supporting evidence but as a statement of Ali himself.

Finally, al-Albani points out that the last portion of this hadith from Musnad Ahmad does not state explicitly that it was the Prophet's statement [18]. That is, this narration itself does not make it clear if it was Ali's statement or the Prophet's statement. If it were Ali's statement, again, it cannot be used as supporting evidence for the earlier hadith discussed under "The First Proof" above.

The Third Proof:

Many Companions of the Prophet (peace be upon him) were of the opinion that it is forbidden for the sexually defiled person to recite the Quran. Note the following:[19] Umar ibn al-Khattab said, "The sexually defiled person must not recite the Quran." (Recorded by ibn Abu Shaibah and al-Baihaqi.)

Ibn Masud was once told that he was reciting the Quran after he had urinated (and without making ablution). He replied, "I am not sexually defiled." (Recorded by ibn Abu Shaibah.)

Ali said, "[The sexually defiled person] must not recite the Quran, not even one verse." (Recorded by ibn Abu Shaibah and al-Baihaqi.)

However, as was noted earlier, there was no consensus among the Companions on this point. Therefore, the different opinions of the Companions need to be weighed on their own merits.

The Fourth Proof:

Al-Mutairi states the following as a rational proof for this position:

The sexually defiled person may purify himself with water or soil at any time he wishes. Therefore, he has no excuse to recite the Quran while in a state of sexual defilement.[20]

This cannot be considered a rational proof for said prohibition. This could be a reason or wisdom behind said prohibition. But, in that case, one would first have to prove the prohibition and then one may state the above as part of the wisdom behind the prohibition. However, this cannot be considered a proof by any means.

A Subpoint to This Opinion:

The scholars seem to be in agreement that the sexually defiled person may make dhikr or

remembrance of Allah. Therefore, they may use invocations and such that are from the Quran but which are not stated with the intention of reciting the Quran. That is, for example, one may say,

Bismillah hirrahmanir raheem

or,

Alhamdullilah

although these are part of the Quran.

However, they differ about stating a verse that is distinguishable from the normal speech of humans. [21] According to the Shafis and one narration from Ahmad, a sexually defiled person may not recite any portion of the Quran, no matter how small, regardless of whether he intended to read the Quran or not. This is based on the generality of the above proofs for prohibition. These proofs do not distinguish between a small amount of the Quran and a great amount. All of it is Quran.

The Hanafis and another narration from Ahmad do not prohibit the reciting of the Quran if it is a small amount and the person did not have the intention to read the Quran.

On this particular point, the opinion of the Shafis seems to be stronger because, based on the evidences of these two groups, the evidences are general and there is no proof to restrict them. Allah knows best.

Conclusion Concerning the Reciting of the Quran by the Sexually Defiled Person:

An analysis of the two opinions demonstrates that most of the proofs offered on this question have some weakness to them. Most of the arguments for permission are general and ambivalent. Most of the arguments for prohibition are weak in their being traced all the way back to the Prophet (peace be upon him).

One is forced to make the following conclusions:

One authentic hadith traced all the way back to the Prophet (peace be upon him) is the hadith of Aishah which states that the Prophet (peace be upon him) used to mention Allah under all circumstances. The remembrance of Allah would include reciting the Quran. This is a general statement. However, one must offer proof to restrict it and say that it does not include reciting the Quran while sexually defiled. If no such proof is given, and the conclusion here is that no such proof is given, then the hadith is to be taken in its generality.

The hadith of ibn Abbas is also authentic. Its apparent meaning is that the Prophet (peace be upon him) recited some verses of the Quran and then he preceded to make ablution afterwards.

Furthermore, the legal maxim of freedom of responsibility and prohibition may be invoked here. As long as there is no confirmed prohibition, the act must be concluded to be permissible.

Therefore, the conclusion here is that there is no proof that the sexually defiled person may not recite (without touching) the Quran. Allah knows best.

However, as was stated earlier concerning reading the Quran while in a state of minor impurity: It is disapproved or makruh to recite the Quran while in a state of sexual defilement [22].The proofs for that are the same as the proofs that demonstrate that it is disapproved to mention Allah while in a state of minor impurity.

If a person has the ability to make ghusl before mentioning or reciting any portion of the Quran, this is the best and most proper behavior. If he plans on studying the Quran and benefiting the most from the Quran, he should do his best to make himself internally and externally pure and ready to benefit from the blessings of the Quran.

Recitation of the Quran by Menstruating/Post-Partum Women:

It has been ordained by Allah that the vast majority of women experience menstruation. It has also been ordained by Allah that the vast majority of women who bear children will have a period of bleeding after childbirth (postpartum bleeding). The length of menstruation and postpartum bleeding differs among different women and even for the same woman from one time to another. Is it a requirement for women not to recite the Quran during such times? This is an important question because, for some women, those times may be quite lengthy and the effects of not being allowed to recite the Quran during that lengthy period are quite obvious.

On this particular question, there are, once again, two major opinions: prohibition and permission. Each opinion shall be analyzed separately followed by a conclusion. However, in this case, the opinion of prohibition will be treated first.

Note that the issue here is that of such women reciting the Quran without actually touching the Quran.

Analysis of the First Opinion: It is Not Permissible for the Menstruating/Post-Partum Women to Recite the Quran:

It is the opinion of the Hanafis, Shafis and one narration from Ahmad that it is forbidden for a menstruating woman [23] to recite the Quran. This has also been narrated from Umar ibn al-Khattab and Ali ibn Abu Talib, [24] from among the Companions. From the Followers, this was the opinion of al-Hasan al-Basri, al-Zukhri, Ibrahim al-Nakhai and Qatadah.[25] The proofs for this opinion are the following:

The First Proof:

The first proof is the following hadith narrated from ibn Umar:

"The sexually defiled person and the menstruating woman do not recite anything from the Quran." (Recorded by al-Tirmidhi and ibn Majah.)

However, there is general agreement among the scholars of hadith that His hadith is weak. Ahmad ibn Hanbal, al-Bukhari, Abdul Rahman ibn Mahdi, Ali ibn al-Madini, al-Baihaqi and Abu Hatim all rejected this narration. Since there does not seem to be much dispute about the weakness of this hadith, it will not be discussed in detail here.[26]

The important conclusion is that it is not acceptable as a proof.

The Second Proof:

There is also another hadith that is cited as evidence. This is narrated from Jabir with the wording:

"The menstruating woman and the woman with postpartum bleeding are not to recite anything from the Quran." (Recorded by al-Daraqutni.)

This hadith contains Muhammad ibn al-Fadhl in its chain. Muhammad has been called a liar by the scholars of hadith, including ibn Hajr [27]. Hence, this hadith cannot be used for proof nor as supporting evidence for any other narration.

The Third Proof:

The third proof is an argument from qiyas or analogy. This is where an analogy is made between the menstruating woman and the sexually defiled person. Since it is not permissible, these people argue [28] for the sexually defiled person to recite the Quran, it must also not be permissible for the menstruating woman.

However, in order for qiyas to be invoked, there must be a similarity between the original case (the sexually defiled person) and the parallel case (the menstruating woman). If it can be shown that they actually are not similar, in that the Law treats them differently then the analogy is not valid.

In this particular example, many differences can he mentioned concerning the treatment by the Law of the sexually defiled person and the menstruating woman. The sexually defiled person may purify himself at any time through the use of water or soil. This opportunity is not available to the menstruating woman who must wait for her menses to finish. The menstruating woman has been ordered to attend the Eid Prayers while the sexually defiled person may not do so. The menstruating woman may also perform most of the rites of the Pilgrimage while the sexually defiled person is not allowed to perform those rites. The sexually defiled person may fast while the menstruating woman may not do so.

Hence, this analogy cannot be considered a valid analogy because there is truly a difference between the menstruating woman and the sexually defiled person in the eyes of the Law.

Analysis of the Second Opinion: It is Permissible for the Menstruating/Post-Partum Women to Recite the Quran:

The Malikis, Dhahiris, Shafis (in one of their opinions) and Hanbalis (in one narration from Ahmad) state that it is permissible for the menstruating woman to recite the Quran. Ibn Taimiya mentions that this is the opinion of Abu Hanifah as well as the best known opinion of al-Shafi and Ahmad. (This also seems to be the opinion that ibn Taimiya himself supports.) One narration from Malik and Ahmad, ibn Taimiya mentions, states that it is permissible for the menstruating woman to recite the Quran but not the sexually defiled person [29]. This opinion of permissibility has also been narrated from ibn Abbas and Saeed ibn al-Musayyab [30]. Among later scholars, this was the opinion of al-Bukhari, al-Tabari, ibn al-Mundhir[31], ibn Qudama [32], and al-Shaukani [33]. Their proofs for this position are the following:

The First Proof:

Al-Bukhari and Muslim record the following from Umm Atiya,

"We used to be ordered to come out on the Day of Eid and even bring out the virgin girls from their houses and menstruating women so that they would be behind the people and say the takbir with the people and invoke Allah along with them and hope for the blessings of that day and for purification from sins."

In this particular hadith, it is demonstrated that the menstruating women would make takbir, a type of remembrance of Allah, and supplications with the masses on the Day of Eid. This kind of remembrance of Allah cannot be considered any different from reciting the Quran, also a kind of remembrance of Allah (dhikr), unless there is some explicit proof to show that they must be treated differently.

The Second Proof:

Al-Bukhari records the following from Aisha,

"I was menstruating when I reached Makkah, so I neither performed the circumambulation of the Kaaba nor the going between mounts Safa and Marwa. I informed the Messenger of Allah (peace be upon him) about it and he said, 'Perform all the ceremonies of the Pilgrimage like the other pilgrims, but do not circumambulate the Kaabah until you become pure from your menses.'"

It is well-known that the pilgrims make remembrance of Allah (dhikr) and read the Quran while performing the pilgrimage. The Prophet (peace be upon him), it seems, did not object to Aisha doing any of those acts. In fact, he explicitly told her to perform all the acts that the pilgrims performed save the circumambulation of the Kaabah. This implies that it is permissible for the menstruating woman to do all of the other acts that are customary for the pilgrimage.

The Third Proof:

Women do not have the ability to remove the state of impurity from themselves like the sexually defiled person may do so by simply making ghusl. Furthermore, the length of time of the menstruation and postpartum bleeding may be quite long. This would require the women to spend a great deal of time without reciting anything from the Quran. This would lead her to forget what she has memorized of the Quran. Furthermore, the Quran is a guidance for her life and she needs to turn to it and ponder over it even during such times. Therefore, al-Mutairi writes:

"If the Law prohibited [such] women from reciting the Quran, they would lose a great matter that they are in need of, and that is the matter of worship. She may also forget what she had memorized of the Quran. Islamic Law is based on bringing about beneficial matters and preventing harmful matters. What harm will come from a woman reciting the Quran while she has her menses or has postpartum bleeding and what harm will come to Islam due to that?² [34]

Obviously, this argument is only valid if there is no clear text forbidding such an act. If there were a clear and authentic text forbidding menstruating women from reciting the Quran, the above argument would be rendered void. However, from the earlier discussion it can be seen that there is no clear, authentic proof of prohibition. Therefore, this argument has some validity to it.

The Fourth Proof:

There is no evidence that it is forbidden for the menstruating woman to recite the Quran. The burden of proof is upon those who say that such an act is forbidden. Otherwise, the original position or the position in the face of no evidence is one of permission. All of the evidences presented by those who say it is forbidden are seen as unsatisfactory and unacceptable.

This fourth proof must be given even more weight when one considers the Companions' devotion to the Quran and how often they would recite it. This was an act that they all took part in frequently. Hence, if there is no record whatsoever of the Prophet (peace be upon him) prohibiting it for menstruating women, although there would have been a need for him to mention it, this is strong evidence that there is no prohibition of this matter.

In this vein, Ibn Taimiya wrote:

"The women used to menstruate during the time of the Messenger of Allah (peace be upon him). If reciting the Quran was forbidden for them, like the prayers, that would have been something that the Prophet (peace beupon him) would have clarified for his community. He would have taught that to the Mothers of the Believers. That would have been transmitted to the people. Since no one ever transmitted such a prohibition from the Prophet (peace be upon him), it is not acceptable to consider it forbidden with the knowledge the he did not forbid it. If he did not forbid it although many women menstruated dunng his time, it becomes known that it is not forbidden." [35]

Conclusion Concerning the Menstruating/Postpartum Woman Reciting the Quran:

There is no clear and sound evidence that it is forbidden for the menstruating woman to recite the Quran, without actually touching the Quran. However, there is some evidence, although not completely direct or explicit, that can lead one to conclude that it is permissible for such women to read the Quran. However, once again, the burden of proof lies on those who say that it is forbidden. Since they offer no acceptable proofs on this question, the conclusion must be that it is permissible for menstruating women to recite the Quran.[36]

Furthermore, since such women cannot free themselves from their impurity, it cannot even be argued that it is disapproved for them to recite the Quran. Their case is not the same as the person who simply needs to make ablution or ghusl to purify himself. If one can easily purify himself, it is considered disliked for them to recite the Quran, as was mentioned earlier. However, since this option is not available to these women, it cannot be considered disliked for them to recite the Quran or make dhikr while having their menses or postpartum bleeding. Allah knows best.

Touching the Quran by the Ritually Impure:

All of the above simply dealt with the question of reciting the Quran, however, without actually physically touching the Quran. The next important question concerns the permissibility of touching the Quran for those who have a minor impurity, for those who have a sexual impurity and for the menstruating/postpartum woman. However, due to the nature of the evidences involved in this question, the approach will differ from the previous approach. On this question, it is more important to discuss the exact meanings of different evidences used.

The Quranic Verse: No One Shall Touch it Save the Purified:

The most important evidence that is quoted in relation to the question of touching the Quran by the ritually impure is the following Quranic verse:

> "None can touch it save the pure" (al-Waqiah 79).

The first step must be to determine the exact meaning of this verse and its relevancy to the question at hand. There are many different interpretations of this verse, however, the correct and dominant interpretation seems to be quite clear.

First, this verse should be looked at in its proper context. The previous verses and next verse read,

"This indeed is an honorable recital, in a Book well-guarded. Which none can touch save those who are pure. A revelation from the Lord of the Worlds" (al-Waqiah 77-80).

Al-Tabari writes that the meaning of, "In a Book well-guarded," is a reference to a Book with Allah. He narrates that opinion from ibn Abbas, Mujahid, Jabir ibn Zaid and Abu Nuhaik. Then he records the early scholars' interpretation of "those who are pure". Ibn Abbas, Saeed ibn Jubair, Jabir ibn Zaid, Abu Nuhaik, Ikrima, Mujahid and Abu al-Aliya all stated that it is in reference to the angels and not to mankind. Some said that it is in reference to those who are free of sin, meaning the angels and the messengers. Finally, some stated that in Allah's presence only the pure touch it while among mankind all touch it. For example, Qatada explained this verse by saying, "That is in the Lord of the Worlds' presence. As for among you, the impure polytheist and the filthy hypocrite touch it." [37]. Note that al-Tabari did not record from any early scholar that the meaning of this verse is in reference to those who are free of major and minor impurities. Ibn Kathir also supports the interpretation of the pure as being the angels [38]. One of the most detailed discussions of this verse is by al-Qasimi, who also comes to the same conclusion [39].

Others try to argue that the reference is to the Quran. Literally, the verse in question states, "No one touches it save the pure." The word "it", according to the general principles, should refer to the closest preceding noun. In this case, it is from the verse before it, "a Book wellguarded (maknoon)." According to ibn al-Qayyim, maknoon means something that is hidden from view [40]. Hence, the reference in the verse is not to the copies of the Quran that people possess in their hands, but to the well-guarded book that is with Allah. Hence, there is actually no reference to the physical recorded copies of the Quran that humans possess.

Furthermore, this verse in the Quran, "None shall touch it save the pure," is a statement of fact [41]. It is stating that no one can possibly or no one does actually touch that book save the pure. This is further evidence that it is not in reference to the physical copies of the Quran that humans possess.

Some try to argue that this is a statement of fact that intends to be an order. That is, it means, "None should touch it save the pure." However, the Arabic expert Abu Hayyan rejects this arguments and shows that it is a very weak argument [42].

Finally, the word used in the verse is "muttah haroon" ("the pure"). This word implies that "purity" is a natural attribute of the creature being referred to. That is, it is not something that they acquire, like human beings who do acts like making ablution or (ghusl) to "purify themselves". If the reference were to creatures of that nature, the word used would have, most likely, been "mutta tah haroon" [43].

In conclusion, this verse, that is often heard as a proof on the question of the sexually impure or

menstruating woman touching the Quran, is completely irrelevant to the question at hand. It is speaking about something completely different and cannot be invoked here as a possible evidence [44].

The Hadith: No One Should Touch the Quran except the Pure:

Al-Tabarani and others record from ibn Umar that the Prophet (peace be upon him) said,

"No one but the pure (tahir) shall touch the Quran."

Individually speaking, all of the chains of this hadith are defective. Ibn Hajr points out a number of such defects and then he does not make any clear conclusion about the hadith [45]. However, many modernday scholars have concluded that this hadith is authentic. For example, al-Albani, who offers the best discussion of this hadith, concludes that it is sahih [46].

The Word Tahir is Mushtarak.

Unfortunately, the evidence from this hadith is not as clear as it might seem at first glance. This is because the word tahir is mushtarak (a homonym). It has been used in all of the following senses: [47]

First, "tahir" may be in reference to a believer. This is understood from the verse of the Quran,

"Verily, the polytheists are impure" (al-Tauba 28).

Similarly, the Prophet (peace be upon him) told Abu Huraira,

"The believer does not become impure." (Recorded by al-Bukhari and Muslim.)

Hence, the believer is always considered pure (tahir) and there has never been any reference to the possibility of him becoming impure in this sense of the word.

Second, tahir may also be used as referring to the person who is free from "major impurities". This aspect may be found in the verse, "If you are in a state of sexual impurity, purify yourselves" (al-Maida 6).

Third, the word tahir may also be used meaning "freedom from minor impurities. " Once when the Prophet (peace be upon him) was intending to wipe over his socks and someone was about to remove them for him, he stated, "Leave them for I put them on while they were in a state of purity."

(Recorded by al-Bukhari and Muslim.)

Finally, the word tahir can be used for someone not having any impure substances on his body. Al-Shaukani states that there is a consensus that such a thing may be called tahir.

Hence, the hadith being discussed here is not that clear because one first has to determine the meaning of the word tahir or how to deal with mushtarak words.

How to Deal with Mushtarak Words (Homonyms):

Al-Mutairi, after presenting the different meanings for the word tahir discussed above, states that there

is no prohbition or harm in understanding the homonym according to all of its meanings in the Arabic language [48]. If that approach is taken, this hadith becomes non-problematic. It can be understood to mean that no one but a believer who is free of both minor and major impurities should touch the Quran.

In reality, al-Mutairi has presented only one view on this question. Among the legal theorists there are three opinions about how to apply or understand homonyms [49]. One opinion is the opinion expressed by al-Mutairi above, wherein the homonym may apply to all of its meanings. This opinion was held by al-Shafi, al-Baqillani, other Shafi scholars and some Mutazilah scholars. They do stipulate one condition: that the different possible meanings do not contradict one another. If that is the case, then only one may be taken as the proper meaning. However, these scholars believe that if there exists some evidence that point to only one of the homonym's meanings, then that one meaning must be accepted and the others discarded.

A second opinion is held by the majority of the Hanafis, some Shafis (such as Imam al-Haramain) and some of the Mutazilah. This opinion is that the homonym must be understood to have one meaning and one meaning only in a particular text. If that meaning is not clear from the text, then the scholar must search for any evidence that will help him conclude which is the desired meaning of the word.

Yet a third opinion is held by some Hanafis. They opine that if a homonym is used in negation, it may be in reference to all of its meanings. However, when it is used in affirmation, it must be understood only according to one of its meanings.

This is not the proper place to delve into a lengthy discussion of these three opinions and the evidences for each opinion. However, the strongest opinion seems to be, Allah knows best, the second opinion wherein external evidence must be looked into to determine the desired meaning of a homonym in any particular text.

In any case, with respect to the issue at hand, it is not acceptable, according to al-Shaukani, to imply all of the possible meanings of the word tahir because to do so would contradict the hadith of the Prophet,

"The believer does not become impure." (Recorded by al-Bukhari and Muslim.) [50].

With respect to the discussion here, this conclusion implies that more evidence needs to be sought to determine the exact meaning of the word tahir in the above hadith of the Prophet (peace be upon him). In other words, what other evidence is there that will assist in determining which of the four possible meanings of tahir is actually meant?

<u>Related Evidences Supporting Prohibition:</u>

Al-Mutairi concludes that it is forbidden for the person with a major impurity to touch the Quran. The evidences he offers includes the verse quoted above from Surah al-Waqiah and the hadith stating that only the pure shall touch the Quran. As was noted earlier, the verse is definitely not relevant and the legal purport of the hadith is not clear. He also states that there was a consensus of the Companions that it is impermissible for the person with a sexual defilement to touch the Quran. However, this is a weak form of consensus.

Al-Mutairi wrote:

"It is confirmed from Ali, Saad ibn Abu Waqas, ibn Umar and Salman al-Farsi[51] that it is prohibited for the defiled person to touch the Quran. It is not known that there was any difference of opinion on this point during their time. Hence, there was a silent form of consensus (ijma' sakooti). And it is not obscure to you the difference of opinion among the scholars concerning the validity of this type of consensus."[52]

Even though it is a "weak form of consensus," it still should be considered, especially if there are no stronger evidences opposing it. However, the following incident from Musannaf Abdul Razzaq implies that the Companion Salman al-Farsi had a different view. Alqama stated that

Salman came to them after relieving himself. They said to Salman, "O Abu Abdullah, why don't you make ablution and read to us surah such and such." He answered, "Allah stated about the Preserved Book that none but the purify touch it. That is the Book that is in the heavens. Only the angels touch it." Then he read to them some of the Quran. (Note that in this narration the Companion Salman al-Farsi did not make any distinction between "touching" the Quran, which is mentioned in the verse he referred to, and reciting the Quran, which is what he was asked to do[53].

Related Evidences Supporting Permission:

Those who argue that it is not forbidden for menstruating women or sexually defiled people to touch the Quran offer the following as evidence that supports their interpretation of tahir in the above hadith as referring to a believer only.

They cite the letter that the Prophet (peace be upon him) wrote to the Emperor of Rome that contained some verses of the Quran. This argument, however, is not satisfying. The scholars distinguish between touching the Quran (mushaf) and touching something containing Quranic verses. The scholars seem to agree that the sexually defiled person may read books of fiqh or tafsir since these books, strictly speaking, are not the mushaf[54]. Ibn Hajr offered another response to this argument. He says that for the sake of propagating Islam, it is permissible for non-Muslims to touch or read parts of the Quran if necessary[55].

There are two hadith that may shed some light on the meaning of tahir in the Prophet's statement,

"No one but the pure (tahir) shall touch the Quran."

The first hadith concerns the status of the menstruating woman.

Muslim records from Aisha who said: The Prophet (peace be upon him) asked me to give him a mat from the mosque. I said, "I am menstruating." He answered, "Your menstruation is not in your hands." This hadith demonstrates that a woman's touch cannot be considered impure while she is on her menses.

Some might argue that the evidence from this particular hadith is not very strong when it comes to touching the Quran while on her menses. However, it is at least some evidence. That is, an attempt is being made to determine what is the meaning of the word tahir in the hadith above. There are four possibilities, as was demonstrated earlier. The possibility that has at least some evidence for it must be considered stronger than the possibility that has no evidence for it.

Furthermore, the Prophet (peace be upon him) told Abu Huraira,

"The believer does not become impure." (Recorded by al-Bukhari and Muslim.)

This is a clear text from the Prophet (peace be upon him) that the believer must be considered tahir under all circumstances. Muhammad ibn Ibrahim al-Wazir stated that it is not acceptable to call a believer "impure" even if he is not free from the "ritual impurities." This cannot be done literally, metaphorically or linguistically[56]. If the believer never becomes impure, the menstruating woman and the sexually defiled person are both tahir. Hence, the prohibition of the hadith:

"No one but the pure (tahir) shall touch the Quran" cannot possibly apply to them.

Also, the following circumstantial evidence should be considered in understanding the correct meaning of this hadith:

"No one but the pure (tahir) shall touch the Quran."

This was part of a letter that the Prophet (peace be upon him) wrote to one of his Companions who was in Yemen. At that time, there may have still been a number of people in Yemen who were not Muslims. Hence, the Prophet (peace be upon him) was implying that such non-Muslims should not touch the Quran. There is no record whatsoever of the Prophet (peace be upon him) making the same or similar statement to the Muslim inhabitants of Madinah[57].

The following hadith may also shed some light on the possible meaning of tahir in "No one but the pure (tahir) shall touch the Quran":
"The Prophet (peace be upon him) forbade taking the Quran into the lands of the enemy." (Recorded by al-Bukhari and Muslim.)

This hadith is understood as keeping the disbelievers away from the Quran. Hence, it implies that the one who should not touch the Quran is the disbeliever. These are the people who are not tahir, as is explicitly stated in the Quranic verse,

"Verily, the polytheists are impure" (al-Tauba 28).[58]

Scholarly Opinion on This Question:

Historically speaking, the vast majority of the scholars considered it prohibited for a menstruating or sexually defiled person to touch the Quran. In fact, most of them also argued that one must be free of both minor and major impurities in order to touch the Quran. This opinion has been narrated from many of the early scholars. This opinion has been upheld by Malik, al-Shafi and the Hanafi scholars. It is the conclusion of, for example, ibn Qudama and ibn Taimiya[59]. Upon closer inspection, however, one will note that many of these earlier scholars were content with quoting the verse from Surah al-Waqiah and the hadith, "No one but the pure shall touch the Quran," as their evidence without a detailed discussion of the meaning of that hadith.

Among the modern-day scholars, al-Mutairi also comes to this conclusion based, he says, "on the strength of its evidence."[60] Malik made an exception for women who are teachers or students. He said that they may touch the Quran under any circumstances if they have need to do so.[61]

These scholars also argue that menstruating women may touch the Quran indirectly. That is, they may use a stick to turn the pages and so forth. Jasim al-Yaseen came to the conclusion that a menstruating

woman may recite the Quran but she may not touch the Quran directly but she may read from the Quran and have someone turn the pages for her or she may touch it while wearing gloves[62]. Although this is a very common and popular opinion, in this author's opinion, it seems quite strange.

According to al-Shaukani, ibn Abbas, al-Shabi, al-Dhuhak, Zaid ibn Ali and others were of the opinion that it is permissible for the person with a minor defilement to touch the Quran[63].

Al-Shaukani himself states that there is no acceptable evidence proving that it is forbidden for the menstruating woman to touch the Quran and, hence, it must be considered permissible[64].This was the clear opinion of Dawud and ibn Hazm before him. Al-Albani also comes to this conclusion[65]. Al-Albani's student, Muhammad Shaqra, is very forceful in his conclusion that such is permissible [66]. Al-Adawi concluded, "In conclusion, I have not come across any authentic, clear evidence prohibiting the menstruating woman from touching the Quran. Allah knows best."[67].

Conclusions Concerning Touching the Quran by the Ritually Impure:

It seems, Allah knows best, that there is no evidence prohibiting the menstruating woman or the sexually defiled person from touching the Quran. The Quranic verse that is often cited in this regard is completely irrelevant to this particular question. The hadith that is quoted is sound but its implication is not clear. Only when seen in the light of many other evidences can one come to a conclusion concerning the meaning of the hadith. Herein, it was concluded that it means that, in general, only a believer is allowed to touch the Quran.

General Conclusions:

It must be emphasized that what was discussed in the preceding pages is only concerned with the recitation or the touching of the Quran by the ritually impure. It is not concerned with the "best manners" of dealing with the Quran. In order to benefit the most from the Quran, one should purify himself both internally and externally.

Furthermore, the conclusions that were reached here are meant in no way to be demeaning to the Quran. However, the height of honoring the Quran and the Prophet Muhammad (peace be upon him) is by believing in them completely and submitting to them earnestly and willingly. This is done by strictly following what they prescribe and not going beyond the limits of what they suggest. This is true for the question of teaching or reading the Quran while in a state of "ritual impurity".

As for the sexually defiled person, it is not forbidden for him to recite or touch the Quran. However, it must be considered disapproved or makruh. This is based on the hadith presented earlier in which the Prophet (peace be upon him) disliked to mention the name of Allah while in a state of ritual impurity. If that is true simply concerning the mention of Allah's name, it must be even more so true for reciting the Word of Allah. It is very simple for the sexually defiled person to "purify" himself. Hence, this restriction of disapproval is in no way a hardship. To show respect to the Quran, such a person should make ghusl first before touching the Quran.

However, the situation of menstruating women and women with postpartum bleeding is completely different. First, they cannot on their own and at any time they wish remove their state of "ritual impurity." Second, the time length of these two states can be quite long. It would be a hardship upon such women, in the face of no evidence, to ask them to remain away from the source of guidance, the Quran, for such a long time. Hence, due to lack of any evidence to the contrary, they should feel free

to recite, touch and study the Quran even while on their menses or while having postpartum bleeding.

Allah knows best.

1) Shaqra argues that there is no proof to d stinguish between touching the Quran and simply reciting it. (Muhammad Shaqra, La Yamassuhu alla al-Mutaharoon, p. 23.) However, from a purely theoretical point of view, one must distinguish between the two because there exists two distinct sets of proofs. One set of proof confines itself to reciting the Quran while the other set specifically mentions touching the Quran. Since the texts on this point distinguish between the two acts, the discussion of the topic must also distinguish between the two acts. Hence, there is evidence to distinguish between the two. This, in turn, may lead to the conclusion that one of the acts is permissible while the other is not.

2) This was dealt with in an ealier issue of al-Basheer. See Jamaal al-Din M. Zarabozo, "How to Approach and Understand the Quran (1)," Al-Basheer (Vol. 5, No. 2, luly-August 1991), p. 17-18.

3) The author does not intend to go into the details of such matters, including, for example, the place of tayammum as a substitute for ghost or wadhu when one does not have water available. For more details, the reader may consult any standard work off qh, such as Al-Sayyid Sabiq, Fiqh al-Sunnah (Indianapolis, IN: American Trust Publications, 1985), Volume 1, pp. 1-74.

4) Yahya al-Nawawi, al-Majmu Shard al-Muhadhab (Beirut: Dar al-Fikr, n.d.), vol. 2, p. 71.

5) See Muhammad ibn Ali al-Shaukani, Nail al-Autar (Beirut: Dar al-leel, 1973), vol. 1, p. 283. Al-Mutairi quotes ibn Khuzaima as saying, "This hadith is worth one-third of my wealth." However, in Sahih ibn Khuzaima, ibn Khuzaima reproduces this statement as a quote from Shubah. Hence it is not ibn Khuzaima's statement but it is Shubah's statement. See Faihan al-Mutairi, AlTaharah li-Qara'at al-Quran wa al-Tawaf bi-l-Bait al-Haram (Riyadh: Dar alAsimah, 1412 A.H.), p. 28; 'Abu Bakr Muhammad ibn Khuzaima, Sahih ibn Khazaima (Beirut: al-Maktab al-lslami, 1975), vol. 1, p. 104.

6) Ahmad Ibn Hajr, Fath al-Bari (Riyadh: Dar al-lfta), vol. 1, p. 408.5

7a) See al-Shaukani, vol. 1, p. 283; Muhammad Nasir al-Din al-Albani, Irwa al-Ghaleel (Beirut: al-Maktab al-lslami, 1979), vol. 2, pp. 245. In his discussion, al-Albani refutes, without mentioning his name, Shuaib al-Arnaut who argues that the hadith has supporting evidence in another hadith recorded by Ahmad from Abu al-Ghuraif from Ali ibn Abu Talib. Al-Albani's refutation of alArnaut is convincing. For alArnaut's argument, see his footnotes to Al-Husain ibn Masud al-Baghawi, Shark al-Sunnah (Beirut: al-Maktab al-lslami, 1983), vol. 2, p. 42, fn. 1. The second hadith that is used as supporting evidence shall be discussed later in this article.

7b) With the exception of ibn Hajr who is widely regarded as excellent and fair in his judgment of hadith. 2 ibn Hajr, Fats, vol. 1, p. 288.

8) With the exception of ibn Hajr who is widely regarded as excellent and fair in his judgment of hadith. 2 ibn Hajr, Fats, vol. 1, p. 288.

9) al-Mutairi, pp. 18-19.

10) Ibn Hajr, Fath, vol. 1, p. 408.

11) Abu Bakr ibn al-Mundhir, al-Ausatf al-Sunan wa al-ljmaa wa al-lkhtilaf (Riyadh: Dar Taibah, 1985), vol. 2, p. 96.

12) Quoted in Ahrnad ibn Hajr, Talkkis al-Habeer fi Takhrij Ahadeeth al-Rafi al-Kabeer (Madinah: al-Sayyid Abdullah al-Madani, 1964), vol. 1, p.139. Ibn Khuzairna's statement in Sahih ibn Khuzaima is different from this quote. Hence, its source could be a different work.

13) Al-Mutairi, PP 30-37

14) Al-Mutairi, pp. 38-41; al-Arnaut in al-Baghawi, vol. 2, p. 42.

15) Al-MUtairi, p 30

16) Al-Albani, Irwa, vol. 2, p. 243.

17) Al-Albani, Irwa, vol. 2, p. 244.

18) Al-Albani, Irwa, vol. 2, p. 243.

19) See ibn al-Mundhir, vol. 2, p. 96.

20) Al-Mutairi, p. 44.

[21] See Muwafaq al-Din ibn Qudama, Al-Mughni (Ma al-Sharh al-Kabeer) (Beirut: Dar al-Fikr, 1984), vol. 1, p. 168; al-Nawawi, vol. 2, p. 162.

[22] Perhaps this is how the statements of Umar, Ali and ibn Masud can be understood regarding this point.

[23] The ruling for the menstruating woman; and the woman with postpartum bleeding is the same. Therefore, for the sake of brevity, reference will only be made to menstruation.

[24] It has also been narrated from Jabir, but that narration is weak.

See al-Albani, Irwa, vol. I, pp. 209-210, al-Mutairi, p. 56.

[25] Al-Nawawi, vol. 2, p. 162; ibn Qudama, vol. 1, p. 144.

[26] See al-Albani, Irwa, vol. 1, pp. 206-210; al-Mutairi, pp. 48-55.

[27] See al-Albani, Irwa, vol. 1, p. 209; al-Mutairi, p. 56.

[28] Note that this analogy leads to a different conclusion if one believes (as was the conclusion made here) that it is not forbidden for the sexually defiled person to recite the Quran. Furthermore, analogy is not to be made while using an issue in which there is a strong difference of opinion concerning the original case.

[29] Ahmad ibn Taimiya, Majmuat Fatawa ibn Taimiya (Riyadh: Dar al-lfta), vol. 21,p.345.

[30] Ibn Qudama, vol. 1, p. 144.

[31] Ibn Hajr, vol. 1, pp. 407-408.

[32] Ibn Qudama, vol. 1, p. 148.

[33] Al-Shaukani, vol. 1, p. 284.

[34] Al-Mutairi, p. 62. The wording that al-Mutairi used is quite unfortunate in that this cannot simply be considered a matter of weighing the harm or benefit of something. This question is probably closer to being a question of worship then simply harm and benefit.

[35] Ibn Taimiya, vol. 26, p. 191.

[36] This is the conclusion of many of the modern-day authors who have written on this question. See al-Mutairi, pp. 59-71; lasim al-Yaseen, Al-Taharah ind al-Marah (Kuwait: Dar al-Dawah, 1988), pp. 28-37; Mustafa al-Adawi, Jami Ahtam al-Nisa (alKhobar, Saudi Arabia: Dar al-Sunnah, 1992), vol. 1, pp. 182-186.

[37] Muhammad ibn Jarir al-Tabari, Jami al-Bayan an Taweel Ayi al-Quran (Beirut: Dar al-Fikr, 1988), vol. 13, part 25, pp. 205-206.

[38] Ismail ibn Kathir, Tafsir al-Quran al-Adheem (Riyadh: Maktaba Dar al-Salaam, 1992), vol. 4, pp. 314-315.

[39] Jamaal al-Din al-Qasimi, Mahasin al-Taweel (Dar Ihya al-Kutub al-Arabi), vol. 16, pp. 5659-5664.

[40] Shams al-Din ibn al-Qayyim, Madarij al-Salikeen, (Beirut: Dar al-Kitab al-Arabi, 1972), vol. 2, p. 321. In all, ibn al-Qayyim gives a total of seven strong arguments that prove that the "pure" in the verse could not be in reference to humans but is, in fact, a reference to angels.

[41] The reading of ibn Masud emphasizes this point further. He read it as, ³ma yamassahu². Muhammad Shaqra argues that since "pure" and ³impure² people touch the Quran, this verse could not refer to humans. (Shaqra, p. 5.) However, . this in itself is not a valid argument. There is the concept of iqtidha al-nass or "the required meaning of a text@' wherein there exists proof to show that the literal meaning is not what is meant by the text.

[42] Muhammad ibn Yusuf Abu Hayyan, Al-Bahr al-Muhit f al-Tafsir (Makkah: al-Maktabah al-Tijarriyah, n.d.), vol. 10, pp. 92-93.

[43] Shaqra (p. 5) states that such a reading does not even exist in the shadh ("irregular, rejected") readings of the Quran. However, that does not seem to be correct as Abu Hayyan (vol. 10, p. 93) makes a reference to such readings.

[44] Some might cite the story of the conversion of Umar to Islam. He wanted to read the parchment containing the Quran that his sister had but she refused, telling him, "You are impure and none touch it save the pure." However, this story has a weak chain, as ibn Hajr pointed out [ibn Hajr, Talkhis, vol. I, p. 132].

[45] Ibn Hajr, Tallshis, vol. 1, pp. 131-132.

[46] See al-Albani, Irwa, vol. 1, pp. 158-161; al-Arna'ut in al-Baghawi, vol. 2, pp. 47-48; al-Mutairi, pp. 80-85, 90-91.

[47] See al-Shaukani, Nail, vol. 1, pp. 259-260.

[48] Al-Mutairi, p. 77. Directly after writing the above, he quotes the legal theorist al-} Lmidi. However, his quote from al-Amidi has nothing to do with what he was trying to establish. Al-Amidi's statement was simply concerning the possibility of the existence of homonyms, which some scholars deny.

[49] For more about homonyms, see Muhammad Adeeb Saleh, TaXsir al-Nusus fi Fiqh al-lslami (Beirut: al-Maktab al-lslami, n.d.), vol. 2, pp. 133-156.

[50] Al-Shaukani, vol. 1, p. 260.

[51] There exists a narration from Salman that gives the opposite conclusion.

[52] Al-Mutairi, pp. 85-86. His reference for the consensus was al-Nawawi in al-MaMmu and ibn-Taimiya in MaMmu Fatawa ibn Taimiya. Ibn Qudama (vol. I, pp. 168-169), who also believes that it is forbidden to touch the Quran save in a state of purity, offers no further proof than the verse and hadith cited above. He did not explicitly mention any consensus among the Companions although he did state that he knew of no difference of opinion on that matter except from Dawud al-Dhahiri.

[53] There is another narration of this incident in Sunan al-Baihaqi that gives a very different conclusion. In that narration, it states that Salman said when asked to read, "I shall not touch it. Verily, only the purified touch it. So we may read what we wish." Seee Habib al-Rahman al-A&ami's footnotes to Abu Bakr Abdul Rs77nq, al-Musanna{(Beirut: al-Maktab al-Islami, 1983), vol. 1, p. 341, ffi. 2. Allah knows best.

[54] To them, the mushaf is the Quran itself. If a book contains the Quran but mostly other material, such as a large commentary of the Quran or a translation with commentary, they do not consider that a mushaf and one may touch it without needing to be in a state of ritual purity.

[55] Ibn Hajr, Fath, vol. 1, p. 408.

[56] Quoted in al-Shaukani, vol. 1, p. 260.

[57] A narration of this hadith recorded by al-Hakim, al-Tabarani and al-Daraqutni states, "Do not touch the Quran except while you are in a sate of purity." If that narration were sound it would be a direct proof that tahir does not simply mean believer but it means a believer who is free from impurities. However, as al-Nawawi, ibn Kathir and ibn Hazm concluded, that version of this hadith is not sound. See Shaqra, p. 11.

[58] It becomes clear that disbelievers should not be allowed to touch the Quran unless there is some pressing need for them to do so, such as being necessary for the sake of propagating Islam.

[59] A1-Yaseen, p. 37.

[60] Al-Mutairi, p. 89. For the most part, al-Mutairi's work is a detailed discussion of various

opinions.

However, with respect to the proofs that a menstruating woman may touch the Quran, he only presents the hadith of the letter to the Emperor of Rome and then he precedes to refute that as a proof.

[61] Al-YaSeen, pp.37-8.

[62] Al-Yaseen, p. 38. Al-Yaseen is not entirely convinced by this opinion but in order to remain away from the matter in which there is a difference of opinion, he comes to this conclusion.

[63] Al-Shaukani, vol. 1, p. 261.

[64] Al-Shaukani, vol. 1, p. 261.

[65] Al-Albani, Irwa, vol. 3, p. 245.

[66] Shaqraspfusim.

[67] Al-Adawi, vol. 1, p. 188.

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